

ROBERT F. GREER, WSBA #15619
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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

STEPHANIE SCHNEIDER and LES
SCHNEIDER, husband and wife,

Plaintiffs,

v.

No.

NOTICE OF REMOVAL TO
FEDERAL COURT

JAMES F. DUFF and JANE DOE
DUFF, husband and wife, and the
marital community composed thereof
d/b/a DUFF'S QUALITY HAY,

Defendants.

Defendant James Duff and Jane Doe Duff, d/b/a Duff's Quality Hay, by and
their his attorneys, hereby removes the above-captioned action, currently pending
in Superior Court of Spokane County, Washington, to the United States District
Court for the Eastern District of Washington. Removal is based on 28 U.S.C. §

NOTICE OF REMOVAL- 1

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1 1332 (diversity jurisdiction) and authorized by 28 U.S.C. §§ 1441 and 1446. As
2 grounds for removal, Defendant states as follows:

3 4 BACKGROUND

5 1. Plaintiffs Stephanie Schneider and Les Schneider commenced this
6 action by filing in Spokane County Superior Court the Summons and Complaint
7 on or about May 8, 2015 (the "State Court Action"). Greer Decl. at ¶ 2, Ex. A
8 (Summons), Ex. B (Complaint). The State Court has been assigned case number
9 15-2-01775-1. Id.

10
11 2. Counsel for Defendant received a copy of the Summons and
12 Complaint via delivery on May 12, 2015. See Greer Decl. ¶ 3. This was the first
13 notice Defendant had that Plaintiffs had commenced the State Court Action. Id. at
14 ¶ 3.

15 16 17 18 STATUTORY REQUIREMENTS

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20 3. Diversity jurisdiction under 28 U.S.C. § 1332(a)(1) exists because
21 this action is between citizens of different states and the amount in controversy
22 exceeds \$75,000.00.

23
24 4. Complete diversity exists, as Plaintiffs and Defendant are citizens of
25 different states:
26

27 NOTICE OF REMOVAL- 2

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1 a. Plaintiffs Stephanie Schneider and Les Schneider are citizens
2 and residents of the State of Washington. Greer Decl. ¶ 4.

3 b. Defendant James Duff and Jane Doe Duff d/b/a Duff's Quality
4 Hay is a resident and citizen of the State of Oregon. Greer Decl. ¶ 5.

5 5. The amount in controversy exceeds \$75,000.00, because based on a
6 good faith belief Plaintiffs seek damages in excess of \$75,000.00. Greer Decl. at ¶
7 2.
8
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11 PROCEDURAL REQUIREMENTS

12 6. Removal to this Court is Proper. Pursuant to 28 U.S.C. §§
13 1441(a)-(b) and 1446(a), Defendant files this Notice of Removal in the United
14 States District Court for the Eastern District of Washington, which is the federal
15 district court embracing the state court where Plaintiffs have brought the State
16 Court Action – in Spokane County, Washington. Venue is proper in this district
17 pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 128(a).
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21 7. Removal Is Timely. “The notice of removal of a civil action or
22 proceeding shall be filed within 30 days after the receipt by the defendant . . . of a
23 copy of the initial pleading . . .” 28 U.S.C. § 1446(b)(1). The Summons and
24 Complaint were received by Defendant’s attorney on May 12, 2015. Greer Decl.
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1 at ¶ 3. The Complaint seeks unspecified amounts for special and general damages
2 and Defendant has a good faith belief that the amount exceeds \$75,000.00. Greer
3 Decl. ¶ 2. Defendant has filed this Notice within 30 days of receipt of the
4 Summons and Complaint. As such, removal is timely. See 28 U.S.C. § 1446(a).
5

6 8. Bond and Verification. Pursuant to Section 1016 of the Judicial
7 Improvements and Access to Justice Act of 1988, no bond is required in
8 connection with this Notice of Removal. Pursuant to Section 1016 of the Act, this
9 Notice need not be verified.
10

11 9. Signature. This Notice of Removal is signed pursuant to Fed. R.
12 Civ. P. 11. See 28 U.S.C. § 1446(a).
13

14 10. Pleadings and Process. True and correct copies of the pleadings
15 received by the attorney for Defendant are attached to the Greer declaration.
16 Defendant has paid the appropriate filing fee to the Clerk of this Court upon the
17 filing of this Notice.
18

19 11. Notice. Defendant will promptly serve Plaintiffs and file with
20 this Court its Notice of Removal to All Adverse Parties, informing Plaintiffs that
21 this matter has been removed to federal court. See 28 U.S.C. §§ 1446(a), (d).
22 Defendant will also promptly file with the Clerk of the Superior Court of
23

1 Washington, County of Spokane, and serve on Plaintiffs, a Notice to Clerk of
2 Removal to Federal Court, pursuant to 28 U.S.C. § 1446(d).

3
4 WHEREFORE, this action should proceed in the United States District
5 Court for the Eastern District of Washington, as an action properly removed
6 thereto.
7

8 DATED: May 27, 2015.

9
10 FELTMAN, GEBHARDT, GREER
11 & ZEIMANTZ, P.S.

12
13 By: /s/ Robert F. Greer
14 ROBERT F. GREER, WSBA #15619
15 RICHARD C. FELTMAN
16 WSBA #8320
17 Attorneys for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

ATTORNEY FOR PLAINTIFFS

Scott Lundberg

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And a copy will be e-mailed and mailed to:

ATTORNEY FOR PLAINTIFFS

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Janelle M. Carney

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DATED: May 27, 2015.

/s/ Jan Perrey

JAN PERREY

NOTICE OF REMOVAL- 6

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